

General Assembly

Amendment

February Session, 2006

LCO No. 5636

HB0559505636HD0

Offered by:

REP. VILLANO, 91st Dist.

REP. TRUGLIA, 145th Dist.

REP. MCMAHON, 15th Dist.

REP. SAYERS, 60th Dist.

REP. MANN, 140th Dist.

REP. KEELEY, 129th Dist.

REP. ABERCROMBIE, 83rd Dist.

REP. THOMPSON, 13th Dist. SEN. HANDLEY, 4th Dist.

To: Subst. House Bill No. 5595 File No. 315 Cal. No. 219

"AN ACT CONCERNING THE HEALTHY KIDS INITIATIVE."

- After the last section, add the following and renumber sections and internal references accordingly:
- 3 "Sec. 501. Section 17b-261a of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof
- 5 (Effective July 1, 2006):
- 6 [(a) Any transfer or assignment of assets resulting in the imposition
- 7 of a penalty period shall be presumed to be made with the intent, on
- 8 the part of the transferor or the transferee, to enable the transferor to
- 9 obtain or maintain eligibility for medical assistance. This presumption
- 10 may be rebutted only by clear and convincing evidence that the
- 11 transferor's eligibility or potential eligibility for medical assistance was
- 12 not a basis for the transfer or assignment.

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(b) Any transfer or assignment of assets resulting in the establishment or imposition of a penalty period shall create a debt, as defined in section 36a-645, as amended, that shall be due and owing by the transferor or transferee to the Department of Social Services in an amount equal to the amount of the medical assistance provided to or on behalf of the transferor on or after the date of the transfer of assets, but said amount shall not exceed the fair market value of the assets at the time of transfer. The Commissioner of Social Services, the Commissioner of Administrative Services and the Attorney General shall have the power or authority to seek administrative, legal or equitable relief as provided by other statutes or by common law.]

[(c) The] (a) To the extent permitted by federal law, the Commissioner of Social Services may waive the imposition of [a] any penalty period relating to the transfer or assignment of assets when the transferor (1) in accordance with the provisions of section 3025.25 of the department's Uniform Policy Manual, suffers from dementia at the time of application for medical assistance and cannot explain transfers that would otherwise result in the imposition of a penalty period; or (2) suffered from dementia at the time of the transfer; or (3) was exploited into making such a transfer due to dementia. [Waiver of the imposition of a penalty period does not prohibit the establishment of a debt in accordance with subsection (b) of this section.]

[(d)] (b) The Commissioner of Social Services, pursuant to section 17b-10, shall implement the policies and procedures necessary to carry out the provisions of this section while in the process of adopting such policies and procedures in regulation form, provided notice of intent to adopt regulations is published in the Connecticut Law Journal not later than twenty days after implementation. Such policies and procedures shall be valid until the time final regulations are effective."